

# COMMITTEE REPORT

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## MADAM PRESIDENT:

**The Senate Committee on Appropriations, to which was referred Senate Bill No. 335, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:**

- 1           Page 1, delete lines 1 through 17, begin a new paragraph and insert:  
2           "SECTION 1. IC 4-21.5-2-5, AS AMENDED BY P.L.4-2005,  
3           SECTION 19, IS AMENDED TO READ AS FOLLOWS  
4           [EFFECTIVE JULY 1, 2005]: Sec. 5. This article does not apply to the  
5           following agency actions:  
6           (1) The issuance of a warrant or jeopardy warrant for the  
7           collection of taxes.  
8           (2) A determination of probable cause or no probable cause by the  
9           civil rights commission.  
10          (3) A determination in a factfinding conference of the civil rights  
11          commission.  
12          (4) A personnel action, except review of a personnel action by the  
13          state employees appeals commission under IC 4-15-2 or a  
14          personnel action that is not covered by IC 4-15-2 but may be  
15          taken only for cause.  
16          (5) A resolution, directive, or other action of any agency that  
17          relates solely to the internal policy, organization, or procedure of  
18          that agency or another agency and is not a licensing or  
19          enforcement action. Actions to which this exemption applies  
20          include the statutory obligations of an agency to approve or ratify  
21          an action of another agency.  
22          (6) An agency action related to an offender within the jurisdiction

- 1 of the department of correction.
- 2 (7) A decision of the Indiana economic development corporation,  
 3 **the office of tourism development**, the department of  
 4 environmental management, the tourist information and grant fund  
 5 review committee, the Indiana development finance authority, the  
 6 corporation for innovation development, or the lieutenant  
 7 governor that concerns a grant, loan, bond, tax incentive, or  
 8 financial guarantee.
- 9 (8) A decision to issue or not issue a complaint, summons, or  
 10 similar accusation.
- 11 (9) A decision to initiate or not initiate an inspection,  
 12 investigation, or other similar inquiry that will be conducted by  
 13 the agency, another agency, a political subdivision, including a  
 14 prosecuting attorney, a court, or another person.
- 15 (10) A decision concerning the conduct of an inspection,  
 16 investigation, or other similar inquiry by an agency.
- 17 (11) The acquisition, leasing, or disposition of property or  
 18 procurement of goods or services by contract.
- 19 (12) Determinations of the department of workforce development  
 20 under IC 22-4-18-1(g)(1), IC 22-4-40, or IC 22-4-41.
- 21 (13) A decision under IC 9-30-12 of the bureau of motor vehicles  
 22 to suspend or revoke a driver's license, a driver's permit, a vehicle  
 23 title, or a vehicle registration of an individual who presents a  
 24 dishonored check.
- 25 (14) An action of the department of financial institutions under  
 26 IC 28-1-3.1 or a decision of the department of financial  
 27 institutions to act under IC 28-1-3.1.
- 28 (15) A determination by the NVRA official under IC 3-7-11  
 29 concerning an alleged violation of the National Voter Registration  
 30 Act of 1993 (42 U.S.C. 1973gg) or IC 3-7.
- 31 (16) Imposition of a civil penalty under IC 4-20.5-6-8 if the rules  
 32 of the Indiana department of administration provide an  
 33 administrative appeals process.
- 34 SECTION 2. IC 5-14-1.5-6.1, AS AMENDED BY P.L.4-2005,  
 35 SECTION 28, IS AMENDED TO READ AS FOLLOWS  
 36 [EFFECTIVE JULY 1, 2005]: Sec. 6.1. (a) As used in this section,  
 37 "public official" means a person:
- 38 (1) who is a member of a governing body of a public agency; or  
 39 (2) whose tenure and compensation are fixed by law and who  
 40 executes an oath.
- 41 (b) Executive sessions may be held only in the following instances:  
 42 (1) Where authorized by federal or state statute.

- 1 (2) For discussion of strategy with respect to any of the following:  
 2 (A) Collective bargaining.  
 3 (B) Initiation of litigation or litigation that is either pending or  
 4 has been threatened specifically in writing.  
 5 (C) The implementation of security systems.  
 6 (D) The purchase or lease of real property by the governing  
 7 body up to the time a contract or option to purchase or lease is  
 8 executed by the parties.
- 9 However, all such strategy discussions must be necessary for  
 10 competitive or bargaining reasons and may not include  
 11 competitive or bargaining adversaries.
- 12 (3) For discussion of the assessment, design, and implementation  
 13 of school safety and security measures, plans, and systems.
- 14 (4) Interviews with industrial or commercial prospects or agents  
 15 of industrial or commercial prospects by the Indiana economic  
 16 development corporation, **the office of tourism development**, the  
 17 Indiana development finance authority, or economic development  
 18 commissions.
- 19 (5) To receive information about and interview prospective  
 20 employees.
- 21 (6) With respect to any individual over whom the governing body  
 22 has jurisdiction:  
 23 (A) to receive information concerning the individual's alleged  
 24 misconduct; and  
 25 (B) to discuss, before a determination, the individual's status as  
 26 an employee, a student, or an independent contractor who is:  
 27 (i) a physician; or  
 28 (ii) a school bus driver.
- 29 (7) For discussion of records classified as confidential by state or  
 30 federal statute.
- 31 (8) To discuss before a placement decision an individual student's  
 32 abilities, past performance, behavior, and needs.
- 33 (9) To discuss a job performance evaluation of individual  
 34 employees. This subdivision does not apply to a discussion of the  
 35 salary, compensation, or benefits of employees during a budget  
 36 process.
- 37 (10) When considering the appointment of a public official, to do  
 38 the following:  
 39 (A) Develop a list of prospective appointees.  
 40 (B) Consider applications.  
 41 (C) Make one (1) initial exclusion of prospective appointees  
 42 from further consideration.

1 Notwithstanding IC 5-14-3-4(b)(12), a governing body may  
 2 release and shall make available for inspection and copying in  
 3 accordance with IC 5-14-3-3 identifying information concerning  
 4 prospective appointees not initially excluded from further  
 5 consideration. An initial exclusion of prospective appointees from  
 6 further consideration may not reduce the number of prospective  
 7 appointees to fewer than three (3) unless there are fewer than three  
 8 (3) prospective appointees. Interviews of prospective appointees  
 9 must be conducted at a meeting that is open to the public.

10 (11) To train school board members with an outside consultant  
 11 about the performance of the role of the members as public  
 12 officials.

13 (12) To prepare or score examinations used in issuing licenses,  
 14 certificates, permits, or registrations under IC 15-5-1.1 or IC 25.

15 (c) A final action must be taken at a meeting open to the public.

16 (d) Public notice of executive sessions must state the subject matter  
 17 by specific reference to the enumerated instance or instances for which  
 18 executive sessions may be held under subsection (b). The requirements  
 19 stated in section 4 of this chapter for memoranda and minutes being  
 20 made available to the public is modified as to executive sessions in that  
 21 the memoranda and minutes must identify the subject matter considered  
 22 by specific reference to the enumerated instance or instances for which  
 23 public notice was given. The governing body shall certify by a  
 24 statement in the memoranda and minutes of the governing body that no  
 25 subject matter was discussed in the executive session other than the  
 26 subject matter specified in the public notice.

27 (e) A governing body may not conduct an executive session during  
 28 a meeting, except as otherwise permitted by applicable statute. A  
 29 meeting may not be recessed and reconvened with the intent of  
 30 circumventing this subsection."

31 Delete pages 2 through 3.

32 Page 4, delete lines 1 through 38.

33 Page 4, line 42, delete "department" and insert "**office**".

34 Page 4, line 42, after "tourism" insert "**development**".

35 Page 5, line 2, delete "department" and insert "**office**".

36 Page 5, line 2, after "tourism" insert "**development**".

37 Page 5, line 5, delete "department" and insert "**office**".

38 Page 5, line 6, after "tourism" insert "**development**".

39 Page 5, line 10, delete "department" and insert "**office**".

40 Page 5, line 10, after "tourism" insert "**development**".

41 Page 5, line 16, delete "DEPARTMENT" and insert "**OFFICE**".

42 Page 5, line 16, after "TOURISM" insert "**DEVELOPMENT**".

- 1 Page 5, between lines 19 and 20, begin a new paragraph and insert:  
 2 **"Sec. 2."Agritourism" means the act of visiting a working farm**  
 3 **or any agricultural, horticultural, or agribusiness operation for**  
 4 **purposes of enjoyment, education, or active involvement in the**  
 5 **activities of the farm or operation."**
- 6 Page 5, line 20, delete "2." and insert "3."  
 7 Page 5, delete lines 22 through 23.  
 8 Page 5, line 24, delete "department" and insert "**office**".  
 9 Page 5, line 25, after "tourism" insert "**development**".  
 10 Page 5, between lines 25 and 26, begin a new paragraph and insert:  
 11 **"Sec. 5. "Office" refers to the office of tourism development**  
 12 **established by IC 5-29-2-1."**
- 13 Page 5, line 26, delete "Department" and insert "**Office**".  
 14 Page 5, line 26, after "Tourism" insert "**Development**".  
 15 Page 5, line 27, delete "department" and insert "**office**".  
 16 Page 5, line 27, after "tourism" insert "**development**".  
 17 Page 5, line 28, delete "(a)".  
 18 Page 5, line 28, after "of" and insert "**the office**".  
 19 Page 5, delete lines 29 through 33.  
 20 Page 5, line 34, delete "(b)" and insert "**Sec. 3. (a)**".  
 21 Page 5, line 34, after "director" insert "**of the office**".  
 22 Page 5, line 36, delete "(c)" and insert "**(b)**".  
 23 Page 5, line 37, delete "department." and insert "**office**".  
 24 Page 5, line 38, delete "(d)" and insert "**(c)**".  
 25 Page 5, line 39, delete "budget agency" and insert "**lieutenant**  
 26 **governor**".  
 27 Page 5, line 39, delete "lieutenant".  
 28 Page 5, line 40, delete "governor." and insert "**budget agency**".  
 29 Page 5, line 41, delete "3." and insert "**4**".  
 30 Page 5, line 41, delete "appoint or employ deputy directors,".  
 31 Page 5, line 42, delete "assistants, and" and insert "**hire**".  
 32 Page 6, line 1, delete "department's" and insert "**office's**".  
 33 Page 6, line 4, delete "4." and insert "**5**".  
 34 Page 6, line 4, delete "department" and insert "**office**".  
 35 Page 6, line 6, delete "make the best use" and insert "**promote**  
 36 **tourism**".  
 37 Page 6, delete line 7.  
 38 Page 6, line 9, delete "interest accrued from loans made".  
 39 Page 6, line 10, delete "by the department,".  
 40 Page 6, line 13, delete "department:" and insert "**office**".  
 41 Page 6, line 23, delete "Direct that" and insert "**Request**".  
 42 Page 6, line 24, delete "department be given to the".

- 1 Page 6, line 25, delete "department by" and insert **"office from"**.
- 2 Page 6, line 27, delete "department" and insert **"office"**.
- 3 Page 6, line 31, after "concerning" insert **"and advertise or**
- 4 **contract to advertise"**.
- 5 Page 6, line 35, delete "department" and insert **"office"**.
- 6 Page 6, line 35, delete "perform the following duties:" and insert
- 7 **"assist"**.
- 8 Page 6, line 36, delete "(1) Assist".
- 9 Page 6, run in lines 35 through 36.
- 10 Page 6, delete lines 38 through 39.
- 11 Page 6, line 40, delete "5." and insert **"6."**.
- 12 Page 6, line 40, delete "entities" and insert "advisory committees".
- 13 Page 6, line 41, delete "department" and insert **"office"**.
- 14 Page 6, line 42, after "an advisory" delete "entity" and insert
- 15 "committee".
- 16 Page 6, line 42, after "the advisory" delete "entity" and insert
- 17 "committee".
- 18 Page 7, between lines 5 and 6, begin a new line blocked left and
- 19 insert:
- 20 **"An advisory committee member is not entitled to salary or per**
- 21 **diem."**.
- 22 Page 7, line 6, delete "6." and insert **"7."**.
- 23 Page 7, delete lines 8 through 10.
- 24 Page 7, line 22, after "4." insert **"(a)"**.
- 25 Page 7, line 22, after "is" insert **"established within the state**
- 26 **treasury. The fund shall be used for the purposes of this chapter.**
- 27 **(b) The fund consists of appropriations from the general**
- 28 **assembly and gifts, donations, bequests, devises, and contributions**
- 29 **received by the office.**
- 30 **(c) The office shall administer the fund. The following may be**
- 31 **paid from money in the fund:**
- 32 **(1) Grants.**
- 33 **(2) Expenses of administering the fund.**
- 34 **(3) Nonrecurring administrative expenses incurred to carry**
- 35 **out the purposes of this chapter.**
- 36 **(d) The money in the fund at the end of a state fiscal year does**
- 37 **not revert to the state general fund but remains in the fund.**
- 38 **(e) The treasurer of state shall invest the money in the fund not**
- 39 **currently needed to meet the obligations of the fund in the same**
- 40 **manner as other public funds may be invested. Interest that**
- 41 **accrues from these investments shall be deposited in the state**
- 42 **general fund."**.

- 1 Page 7, delete lines 23 through 24.
- 2 Page 7, line 25, delete "department" and insert "**office**".
- 3 Page 7, line 28, delete "department" and insert "**office**".
- 4 Page 7, delete lines 32 through 42, begin a new paragraph and insert:
- 5 "**Sec. 6. (a) The office shall establish guidelines for the**
- 6 **application and approval of grants.**
- 7 **(b) The office may seek the recommendations from the council**
- 8 **when making a determination to approve or reject a grant**
- 9 **application."**
- 10 Page 8, delete lines 1 through 14.
- 11 Page 8, line 15, delete "9." and insert "7."
- 12 Page 8, line 17, delete "Department" and insert "**Office**".
- 13 Page 8, line 18, delete "Tourism." and insert "**Tourism**
- 14 **Development."** **Promotional materials must also include a**
- 15 **statement provided by the office."**
- 16 Page 8, line 19, delete "10." and insert "8."
- 17 Page 8, line 19, delete "department" and insert "**office**".
- 18 Page 8, delete lines 21 through 42.
- 19 Delete page 9.
- 20 Page 10, delete line 1.
- 21 Page 10, line 2, delete "5." and insert "4."
- 22 Page 10, line 16, delete "Eleven (11)" and insert "**Twelve (12)**".
- 23 Page 10, line 17, after "years." insert "**One (1) representative must**
- 24 **own or operate an agritourism business."**
- 25 Page 10, line 22, delete "Motel" and insert "**Lodging**".
- 26 Page 10, between lines 37 through 38, begin a new line block
- 27 indented and insert:
- 28 "**(17) A member who lives in a rural community and is**
- 29 **interested in agritourism, appointed by the Indiana rural**
- 30 **development council, for a term of one (1) year."**
- 31 Page 11, delete lines 9 through 12.
- 32 Page 11, line 13, after "4." insert "**(a)**".
- 33 Page 11, line 15, delete "department." and insert "**office**".
- 34 Page 11, delete lines 16 through 18.
- 35 Page 11, line 19, delete "(3)" and insert "**(2)**".
- 36 Page 11, line 20, delete "department." and insert "**office**".
- 37 Page 11, line 21, delete "(4)" and insert "**(3)**".
- 38 Page 11, line 23, delete "(5)" and insert "**(4)**".
- 39 Page 11, line 25, delete "(6)" and insert "**(5)**".
- 40 Page 11, line 27, delete "(7)" and insert "**(6)**".
- 41 Page 11, line 27, delete "department" and insert "**office**".
- 42 Page 11, delete lines 29 through 36.

1 Page 11, line 37, delete "(10)" and insert "(7)".

2 Page 11, delete lines 39 through 42, begin a new line block indented  
3 and insert:

4 **"(8) Make budget recommendations to the lieutenant**  
5 **governor.**

6 **(b) The council may establish advisory groups to make**  
7 **recommendations to the office on tourism research, development,**  
8 **and marketing."**

9 Page 12, line 4, delete "department" and insert "**office**".

10 Page 12, line 4, delete "support and".

11 Page 12, line 5, delete "council." and insert "**council, as directed by**  
12 **the lieutenant governor.**".

13 Page 12, delete lines 9 through 42, begin a new paragraph and insert:

14 "SECTION 5. IC 6-1.1-43-1, AS AMENDED BY P.L.4-2005,  
15 SECTION 49, IS AMENDED TO READ AS FOLLOWS  
16 [EFFECTIVE JULY 1, 2005]: Sec. 1. This chapter applies to the  
17 following economic development incentive programs:

18 (1) Grants and loans provided by the Indiana economic  
19 development corporation under IC 5-28 **or the office of tourism**  
20 **development under IC 5-29.**

21 (2) Incentives provided in an economic revitalization area under  
22 IC 6-1.1-12.1.

23 (3) Incentives provided under IC 6-3.1-13.

24 (4) Incentives provided in an airport development zone under  
25 IC 8-22-3.5-14.

26 SECTION 6. IC 8-3-1-21.1, AS AMENDED BY P.L.4-2005,  
27 SECTION 114, IS AMENDED TO READ AS FOLLOWS  
28 [EFFECTIVE JULY 1, 2005]: Sec. 21.1. (a) Upon receiving notice of  
29 intent to abandon railroad rights-of-way from any railroad company, the  
30 department shall, upon receipt, notify:

31 (1) the county executives, county surveyors, and cities and towns  
32 of the counties affected;

33 (2) the Indiana economic development corporation; ~~and~~

34 **(3) the office of tourism development; and**

35 ~~(3)~~ **(4)** the department of natural resources;

36 of the notice.

37 (b) Within one (1) year of a final decision of the Interstate  
38 Commerce Commission permitting an abandonment of a railroad  
39 right-of-way, the railroad shall remove any crossing control device,  
40 railroad insignia, and rails on that part of the right-of-way that serves  
41 as a public highway and reconstruct that part of the highway so that it  
42 conforms to the standards of the contiguous roadway. The Indiana

1 department of transportation or the county, city, or town department of  
 2 highways having jurisdiction over the highway may restore the crossing  
 3 if the unit:

- 4 (1) adopts construction specifications for the project; and
- 5 (2) enters into an agreement with the railroad concerning the  
 6 project.

7 The cost of removing any crossing control device, railroad insignia,  
 8 rails, or ties under this subsection must be paid by the railroad. The cost  
 9 of reconstructing the highway surface on the right-of-way must be paid  
 10 by the Indiana department of transportation or the county, city, or town  
 11 department of highways having jurisdiction over the crossing.

12 (c) If a railroad fails to comply with subsection (b), the Indiana  
 13 department of transportation or the county, city, or town department of  
 14 highways having jurisdiction over the crossing may proceed with the  
 15 removal and reconstruction work. The cost of the removal and  
 16 reconstruction shall be documented by the agency performing the work  
 17 and charged to the railroad. Work by the agency may not proceed until  
 18 at least sixty (60) days after the railroad is notified in writing of the  
 19 agency's intention to undertake the work.

20 (d) This section does not apply to an abandoned railroad  
 21 right-of-way on which service is to be reinstated or continued.

22 (e) As used in this section, "crossing control device" means any  
 23 traffic control device installed by the railroad and described in the  
 24 National Railroad Association's manual, Train Operations, Control and  
 25 Signals Committee, Railroad-Highway Grade-Crossing Protection,  
 26 Bulletin No. 7, as an appropriate traffic control device.

27 (f) Costs not paid by a railroad under subsection (b) may be added  
 28 to the railroad's property tax statement of current and delinquent taxes  
 29 and special assessments under IC 6-1.1-22-8.

30 (g) Whenever the Indiana department of transportation notifies the  
 31 department of natural resources that a railroad intends to abandon a  
 32 railroad right-of-way under this section, the department of natural  
 33 resources shall make a study of the feasibility of converting the  
 34 right-of-way for recreational purposes. The study must be completed  
 35 within ninety (90) days after receiving the notice from the Indiana  
 36 department of transportation. If the department of natural resources  
 37 finds that recreational use is feasible, the department of natural  
 38 resources shall urge the appropriate state and local authorities to acquire  
 39 the right-of-way for recreational purposes.

40 SECTION 7. IC 8-21-9-12, AS AMENDED BY P.L.4-2005,  
 41 SECTION 116, IS AMENDED TO READ AS FOLLOWS  
 42 [EFFECTIVE JULY 1, 2005]: Sec. 12. (a) The department has

1 jurisdiction only over two (2) major new continental or intercontinental  
2 airport facilities designed and constructed to serve a part of Indiana or  
3 adjacent states.

4 (b) The department may designate the location and character of all  
5 airport facilities which the department may hold, own, or over which it  
6 is authorized to act and to regulate all matters related to the location and  
7 character of the airport facilities.

8 (c) The department may designate the location and establish, limit,  
9 and control points of ingress to and egress from any airport property.

10 (d) The department may lease to others for development or operation  
11 the parts of any airport or airport facility on terms and conditions as the  
12 department considers necessary.

13 (e) The department may make directly, or through hiring of expert  
14 consultants, investigations, and surveys of whatever nature, including,  
15 but not limited to, studies of business conditions, freight rates, airport  
16 services, physical surveys of the conditions of structures, and the  
17 necessity for additional airports or for additional airport facilities for the  
18 development and improvement of commerce and for the more  
19 expeditious handling of commerce, and to make studies, surveys, and  
20 estimates as are necessary for the execution of its powers under this  
21 chapter.

22 (f) The department may make and enter into all contracts,  
23 undertakings, and agreements necessary or incidental to the  
24 performance of its duties and the execution of its powers under this  
25 chapter. When the cost of any such contract for construction, or for the  
26 purchase of equipment, materials or supplies, involves an expenditure  
27 of more than five thousand dollars (\$5,000), the department shall make  
28 a written contract with the lowest and best bidder after advertisement  
29 for not less than two (2) consecutive weeks in a newspaper of general  
30 circulation in Marion County, Indiana, and in such other publications  
31 as the department shall determine. Such notice shall state the general  
32 character of the materials to be furnished, the place where plans and  
33 specifications therefor may be examined, and the time and place of  
34 receiving bids. Each bid shall contain the full name of every person or  
35 company interested in it and shall be accompanied by a sufficient bond  
36 or certified check on a solvent bank that if the bid is accepted a contract  
37 will be entered into and the performance of its proposal secured. The  
38 department may reject any and all bids. A bond with good and  
39 sufficient surety, as shall be approved by the department, shall be  
40 required of all contractors in an amount equal to at least fifty percent  
41 (50%) of the contract price conditioned upon the faithful performance  
42 of the contract.

1 (g) The department may fix and revise periodically and charge and  
2 collect equitable rates, fees, rentals, or other charges for the use of any  
3 airport facility or airport facilities under its control, which rates, fees,  
4 rentals, or other charges shall be in amounts reasonably related to the  
5 cost of providing and maintaining the particular airport facility or  
6 airport facilities for which these rates, fees, rentals, and other charges  
7 are established.

8 (h) The department may make application for, receive, and accept  
9 from any federal agency, grants for or in aid of the planning,  
10 construction, operating, or financing of any airport facility, and to  
11 receive and accept contributions from any source of either money,  
12 property, labor, or other things of value, to be held, used and applied for  
13 the purposes for which made, in each case on such terms and conditions  
14 as the department considers necessary or desirable. The department  
15 may enter into and carry out contracts and agreements in connection  
16 with this subsection.

17 (i) The department may appear in its own behalf before boards,  
18 commissions, departments, or other agencies of the federal government  
19 or of any state or international conference and before committees of the  
20 Congress of the United States and the general assembly of Indiana in  
21 all matters relating to the designs, establishment, construction,  
22 extension, operations, improvements, repair, or maintenance of any  
23 airport or airport facility operated and maintained by the department  
24 under this chapter, and to appear before any federal or state agencies in  
25 matters relating to air rates, airport services and charges, differentials,  
26 discriminations, labor relations, trade practices, and all other matters  
27 affecting the physical development of and the business interest of the  
28 department and those it serves.

29 (j) The department may contract for the services of consulting  
30 engineers, architects, attorneys, accountants, construction and financial  
31 experts, and such other individuals as are necessary in its judgment.  
32 However, the employment of an attorney shall be subject to such  
33 approval of the attorney general as may be required by law.

34 (k) The department may do all things necessary and proper to  
35 promote and increase commerce within its territorial jurisdiction,  
36 including cooperation with civic, technical, professional, and business  
37 organizations and associations, **the office of tourism development,**  
38 and the Indiana economic development corporation.

39 (l) The department may establish and maintain a traffic bureau for  
40 the purpose of advising the department as to the airport's competitive  
41 economic position with other airports.

42 (m) The department may contract for the use of any license, process,

1 or device, whether patented or not, which the department finds is  
 2 necessary for the operation of any airport facility, and may permit the  
 3 use thereof by any lessee on such terms and conditions as the  
 4 department may determine. The cost of such license, process, or device  
 5 may be included as part of the cost of the airport facility.

6 (n) The department may issue airport revenue bonds and airport  
 7 revenue funding bonds.

8 (o) The department may do all acts and things necessary or proper  
 9 to carry out the powers expressly granted in this chapter."

10 Delete pages 13 through 15.

11 Page 16, delete lines 1 through 3.

12 Page 16, line 11, after "the" strike "department" and insert "**office**".

13 Page 16, line 12, delete "tourism," and insert "**tourism**  
 14 **development,**".

15 Page 16, line 36, strike "department" and insert "**office**".

16 Page 16, line 36, after "tourism" insert "**development**".

17 Page 16, line 37, strike "designated deputy." and insert "**designee.**".

18 Page 17, line 23, delete "department" and insert "**office**".

19 Page 17, line 23, after "tourism" insert "**development**".

20 Page 18, line 20, delete "department" and insert "**office**".

21 Page 18, line 20, after "tourism" insert "**development**".

22 Page 18, line 39, strike "department" and insert "**office**".

23 Page 18, line 39, after "tourism" insert "**development**".

24 Page 19, line 23, reset in roman "office".

25 Page 19, line 23, delete "department".

26 Page 19, line 23, reset in roman "development".

27 Page 19, line 38, strike "department" and insert "**office**".

28 Page 19, line 39, delete "tourism." and insert "**tourism**  
 29 **development.**".

30 Page 19, line 40, strike "department" and insert "**office**".

31 Page 19, line 40, after "tourism" insert "**development**".

32 Page 20, line 10, strike "department" and insert "**office**".

33 Page 20, line 11, delete "tourism." and insert "**tourism**  
 34 **development.**".

35 Page 20, line 12, strike "department" and insert "**office**".

36 Page 20, line 12, after "tourism" insert "**development**".

37 Page 20, line 21, before "of" strike "department" and insert "**office**".

38 Page 20, line 21, delete "tourism," and insert "**tourism**  
 39 **development,**".

40 Page 20, line 38, strike "department" and insert "**office**".

41 Page 20, line 38, after "tourism" insert "**development**".

42 Page 20, line 40, delete "department" and insert "**office**".

- 1 Page 20, line 40, delete "tourism." and insert "**tourism**  
2 **development.**".
- 3 Page 21, delete lines 6 through 42, begin a new paragraph and insert:  
4 "SECTION 19. P.L.4-2005, SECTION 151, IS AMENDED TO  
5 READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: SECTION 151.  
6 (a) The duties conferred on the department of commerce relating to  
7 ~~tourism and~~ community development are transferred to the office of the  
8 lieutenant governor on the effective date of this act. Notwithstanding  
9 any other law, beginning on the effective date of this act the office of  
10 the lieutenant governor is also responsible for administering the  
11 following funds, programs, councils, and accounts:  
12 ~~(1) The tourism information and promotion fund:~~  
13 ~~(2) The tourism marketing fund:~~  
14 ~~(3) The Indiana tourism council:~~  
15 ~~(4) (1) The community promotion program.~~  
16 ~~(5) (2) The Indiana main street program.~~  
17 ~~(6) (3) The individual development accounts program.~~  
18 ~~(7) (4) The home ownership education account.~~  
19 (b) The rules, policies, and guidelines adopted by:  
20 (1) the department of commerce concerning ~~tourism and~~  
21 community development; or  
22 (2) an entity described in subsection (a);  
23 before the effective date of this act are considered, on and after the  
24 effective date of this act, rules, policies, and guidelines of the office of  
25 the lieutenant governor until the office of the lieutenant governor adopts  
26 replacement rules, policies, and guidelines.  
27 (c) On the effective date of this act, the office of the lieutenant  
28 governor becomes the owner of all property and obligations relating to  
29 ~~tourism promotion and~~ community development of the department of  
30 commerce. Any amounts owed to the department of commerce before  
31 the effective date of this act under a program administered under this  
32 SECTION on and after the effective date of this act by the office of the  
33 lieutenant governor shall be payable to the office of the lieutenant  
34 governor.  
35 (d) Any appropriations to the department of commerce relating to  
36 ~~tourism and~~ community development and funds relating to ~~tourism and~~  
37 community development under the control or supervision of the  
38 department of commerce on the effective date of this act, as determined  
39 by the budget agency, are transferred to the control or supervision of  
40 the office of the lieutenant governor on the effective date of this act.  
41 (e) The legislative services agency shall prepare legislation for  
42 introduction in the 2006 regular session of the general assembly to

1 organize and correct statutes affected by the transfer of responsibilities  
2 to the lieutenant governor.

3 (f) This SECTION expires July 1, 2007.

4 SECTION 20. [EFFECTIVE JULY 1, 2005] **(a) The duties**  
5 **conferred on the lieutenant governor relating to tourism are**  
6 **transferred to the office of tourism development on July 1, 2005.**

7 **(b) The rules, policies, and guidelines adopted by the lieutenant**  
8 **governor or department of commerce concerning tourism before**  
9 **July 1, 2005, are considered, on and after July 1, 2005, rules,**  
10 **policies, and guidelines of the office of tourism development until**  
11 **the office of tourism development adopts replacement rules,**  
12 **policies, and guidelines.**

13 **(c) On July 1, 2005, the office of tourism development becomes**  
14 **the owner of all property and obligations relating to tourism**  
15 **promotion of the lieutenant governor or department of commerce.**

16 **(d) Any appropriations to the lieutenant governor, department**  
17 **of commerce, or economic development entity covered by**  
18 **P.L.4-2005, relating to tourism and funds relating to tourism under**  
19 **the control or supervision of the lieutenant governor on July 1,**  
20 **2005, as determined by the budget agency, are transferred to the**  
21 **control or supervision of the office of tourism on July 1, 2005.**

22 **(e) This SECTION expires July 1, 2007."**

23 Page 22, delete lines 1 through 33.

24 Page 22, line 39, delete "Money in the tourism information and".

25 Page 22, delete lines 40 through 42.

26 Page 23, delete lines 1 through 9.

- 1 Page 23, line 10, delete "(c)" and insert "**(b)**".
- 2 Page 23, line 13, delete "IC 5-29-5-1," and insert "**IC 5-29-4-1,**".
- 3 Renumber all SECTIONS consecutively.  
(Reference is to SB 335 as introduced.)

**and when so amended that said bill do pass .**

Committee Vote: Yeas 9, Nays 0.

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**Senator Meeks, Chairperson**